

CHAPTER 1  
IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

[Prior to 9/9/87, Campaign Finance Disclosure[190] Ch 5]  
[Prior to 3/30/94, Campaign Finance Disclosure Commission[121] Ch 5]  
[Prior to 8/21/02, see 351—Ch 5]

**351—1.1(56,68B) General agency description.**

**1.1(1)** The Iowa ethics and campaign disclosure board consists of six members appointed by the governor and confirmed by the senate. At the first meeting in each calendar year the members shall elect a chair, a vice chair, and a second vice chair each to serve a one-year term. Members may be reelected or elected to a different office.

**1.1(2)** Meetings of the board are held at the call of the chair or at the request of at least four members of the board. The chair sets the time, place, and date of the meetings except when a meeting is requested by at least four members of the board. Meetings may occasionally be conducted by electronic means. When possible, meetings are announced at least one week in advance. However, when one week's notice is not possible, meetings shall be announced at least 24 hours prior to the commencement of the meeting pursuant to Iowa Code section 21.4. Notice of meetings shall be given by public notice to the media and also posted in the lobby of the board's offices and in the office of the Governor, Statehouse, Des Moines, Iowa. The notice contains the tentative agenda of the meeting.

**1.1(3)** Any interested party may attend and observe board meetings except for the portion that may be closed pursuant to Iowa Code section 21.5. Observers may use cameras or recording devices during the course of a meeting so long as the use of the devices does not materially hinder the proceedings. Open-session and closed-session proceedings shall be electronically recorded by the board. Minutes of meetings are available for viewing at the board offices or via the board's Web site at [www.state.ia.us/ethics](http://www.state.ia.us/ethics). Copies may be obtained pursuant to the applicable copy fee schedule.

**1.1(4)** Four board members constitute a quorum for conducting business of the board. An affirmative vote of four board members is required for a motion to pass. The meetings shall be generally conducted according to rules of parliamentary procedure.

**1.1(5)** The duties of the board are listed in Iowa Code section 68B.32A and include but are not limited to: the receipt, examination, and preservation of documents required to be filed; the receipt and processing of complaints alleging violations of Iowa Code chapters 56 (campaign finance) and 68B (ethics); the holding of administrative hearings; and the development and dissemination of information and educational materials related to the law. The board jointly administers the income tax check-off with the Iowa department of management and the director of the Iowa department of revenue and finance. The board employs an executive director, contracts or employs the services of a legal counsel, and employs other staff as it deems necessary. The executive director is responsible to the board and is responsible for administrative matters and general supervision of board staff. The board's legal counsel is responsible to the board and serves as the board's chief legal officer.

**1.1(6)** The board administers the provisions of Iowa Code chapter 56 relating to state and local campaigns for public office and ballot issues. The board administers the provisions of Iowa Code chapter 68B as applied to executive branch officials, employees, candidates for statewide office, and the immediate family members of all the foregoing. The board administers the provisions of Iowa Code chapter 68B relating to the regulation of executive branch lobbyists. The board provides guidance to local governmental officials, employees, and candidates for local governmental office concerning the provisions of Iowa Code chapter 68B, but does not investigate complaints concerning alleged violations of the chapter by those individuals.

**351—1.2(68B) Requirements for requesting board advisory opinions.** Any person subject to the board's jurisdiction may request a board advisory opinion on the application of a statute or rule to a particular factual situation. An authorized agent may seek a board opinion on behalf of any person. The board will not issue opinions to an unauthorized third party. The opinion request shall describe the specific transaction or activity that the requesting person plans to undertake or is presently undertaking. The board may issue opinions pertaining only to Iowa Code chapter 56 or 68B or rules adopted thereunder. The board may on its own motion issue opinions without receiving a formal request.

**351—1.3(68B) Processing of advisory opinion requests; routine administrative advice.**

**1.3(1)** Requests for board advisory opinions shall be sent to the Iowa Ethics and Campaign Disclosure Board, 514 East Locust, Suite 104, Des Moines, Iowa 50309.

**1.3(2)** After receiving a qualified opinion request, the board's legal counsel shall prepare a draft opinion for board review. Upon an affirmative vote of at least four members, the board will issue a board advisory opinion. Advice contained in a board opinion, if followed, constitutes a defense to a complaint filed with the board.

**1.3(3)** A person who receives a board advisory opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request.

**1.3(4)** Board advisory opinions are public records and shall be made available at the board's office and via the board's Web site at [www.state.ia.us/ethics](http://www.state.ia.us/ethics).

**1.3(5)** Nothing in this rule precludes board staff from providing oral or written routine administrative advice when presented with oral or written inquiries from any person.

**1.3(6)** Nothing in this rule precludes a person who has received routine administrative advice from petitioning for a declaratory order regarding a question which qualifies under 351—Chapter 9. The board will refuse to issue a declaratory order to a person who has previously received a board opinion on the same question, unless the requester demonstrates a significant change in circumstances from those underlying the board opinion.

**1.3(7)** On an annual basis the board shall review the advisory opinions issued for that year and determine which opinions should be adopted into rule pursuant to the procedures in Iowa Code chapter 17A.

**351—1.4(56) Board agenda.** A person who wishes to be placed upon the board agenda for its next meeting shall file an oral or written request with the board office at least 48 hours prior to the meeting.

**351—1.5(22,56,68B) Availability of reports and information—copies provided; prohibitions.**

**1.5(1)** As provided by 351—subrule 10.3(7), a price schedule of the costs and fees for copying and mailing shall be posted in the board office. The board shall review the price schedule on an annual basis.

**1.5(2)** Upon receipt of payment of copying costs and mailing costs, the board shall mail requested copies of reports to any person.

**1.5(3)** Information regarding individuals that is copied or otherwise obtained from reports and statements required under Iowa Code chapter 56 or 68B shall not be used by any person, other than statutory political committees, for the purpose of soliciting contributions or for any commercial purpose pursuant to Iowa Code section 68B.32A(6). For the purpose of this subrule, “soliciting contributions” includes soliciting any type of contribution or donation of money or something of monetary value, such as political or charitable contributions. Information obtained from the reports and statements and used in newspapers, magazines, books, or other similar communications is permissible so long as the principal purpose of such communications is not to solicit contributions or for other commercial purpose.

These rules are intended to implement Iowa Code sections 68B.32 and 68B.32A.

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